

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROMMEL REED,

Petitioner,

CASE NO. 2:12-cv-11163  
HON. GEORGE CARAM STEEH

v.

JEFFERY WOODS,

Respondent.

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**OPINION AND ORDER GRANTING PETITIONER'S  
MOTION TO AMEND HABEAS PETITION [DKT. #15]**

Petitioner Rommel Reed filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. Pending before the Court is Petitioner's motion for leave to file an amended habeas petition." [Dkt. #15]. For the reasons that follow, the Court will grant the motion.

Petitioner requests that the Court permit him to amend his petition to add additional claims. He acknowledges that these claims were not presented to the state courts, but he seems to concede that he no longer has a procedure by which to present them to the state courts because he has already pursued his only post-conviction review proceeding under Michigan Court Rule 6.500. This, of course, raises potential issues of procedural default. *See, e.g., Pudelski v. Wilson*, 576 F.3d 595, 605-606 (6th Cir. 2009).

Although Respondent has already filed a response, Federal Rule of Civil Procedure 15 provides that the Court should freely allow a party to amend when justice so requires. FED. R. CIV. P. 15(a)(2). Here, Respondent will be given an opportunity to file a supplemental answer addressing Petitioner's additional claims. While the Court recognized that this will result in some

inconvenience for Respondent, the Court concludes that Respondent will not be prejudiced by allowing Petitioner to amend his petition to include the additional claims.

Accordingly, the Court **GRANTS** Petitioner's motion to amend the pleadings.

Respondent shall file a supplemental answer to the amended petition within sixty (60) days of the date of this order. Respondent shall also file with the Court any additional Rule 5 materials relevant to Petitioner's additional claims.

**IT IS SO ORDERED.**

Dated: February 20, 2013

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 20, 2013, by electronic and/or ordinary mail and also on Rommel Reed #276650, Chippewa Correctional Facility, 4269 W. M-80, Kincheloe, MI 49784.

s/Barbara Radke  
Deputy Clerk